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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/086,166	02/26/2002	Michael DeWayne Adams	X0202A	2658

24321 7590 02/16/2005
Law Offices of James J. Ralabate
5792 Main St.
Williamsville, NY 14221

EXAMINER

LEFLORE, LAUREL E

ART UNIT	PAPER NUMBER
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2673

DATE MAILED: 02/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/086,166

Applicant(s)

ADAMS, MICHAEL DEWAYNE

Examiner

Laurel E LeFlore

Art Unit

2673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-7 and 13-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-7 and 13-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 3 and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. In regard to claim 3, applicant claims in claim 3, "The display system of claim 2 wherein one of said first and second displays is a non user-supported display".

However, claim 2 depends from claim 1, which claims "said supplemental display being a head-mounted display" and "said primary display being a body-worn display". Thus, both the first and second displays are user-supported display, and a user-supported display can not be non user-supported.

4. In regard to claim 6, applicant claims in claim 6, "The display system of claim 2 wherein the computer is a vehicle-mounted computer". However, claim 2 depends from claim 1, which claims "a user-supported computer". Thus, the computer is a user-supported computer, and a user-supported display cannot be mounted in a vehicle.

Claim Objections

5. Claim 4 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 4 recites only the

limitation, "wherein said computer is a user-supported computer". However, claim 13, from which claim 4 depends, recites "a user-supported computer".

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 2-5, 7 and 13-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Jahn et al. 6,738,040 B2.

8. In regard to claim 13, Jahn discloses a display system (see figure 1) for displaying information from a user-supported computer (element 12), the display comprising: at least one primary display (element 6) and at least one display (element 1) to supplement data received through said primary display (supplemental display). Note in the figure that said supplemental display is a head-mounted display, said head-mounted display being worn on a user's head.

Jahn further discloses that the head-mounted display provides said user with limited contextual information. See column 3, lines 53-56, disclosing, "In the first display 1, directly in his field of view, the user 11 is provided merely with simple instructions 14 relating to the procedure for his present work situation 17." (Also see figure 3.)

Note that said primary display of Jahn is a body-worn display, said body-worn display being supported by the body of said user. See column 3, lines 47-50, disclosing, "As a further display device, the service computer 12 is connected to a flat panel display 6, which the user 11 keeps with him while he is working, in a pocket attached to the belt."

Jahn further discloses that the body-worn display provides said user with a fully functional computer display. See 3, lines 61-66, disclosing, "At the moment when the work situation 17 requires detailed information...to be displayed, the user 11 is provided in his display 1, with information of, for example, the 'updated detailed information on the flat panel display' type". Note that the flat panel display is the body worn display and thus the supplemental display has means to provide data to augment data displayed on said primary display.

9. In regard to claim 2, see rejection of claim 13.
10. In regard to claim 3, see rejection of claim 13 and the above 112, second paragraph rejection of claim 3. Also note that Jahn discloses a non-user supported display (element 4) in figure 1.
11. In regard to claim 4, see rejection of claim 13.
12. In regard to claim 5, see rejection of claim 13.
13. In regard to claim 7, Jahn discloses that communication means are in electrical contact with the computer. See column 3, lines 33-36, disclosing, "A mobile computer 12, carried on the body, is provided, with the capability to connect a number of different types of display devices 1 to 10, as may be required with or without the use of wires."

14. In regard to claim 14, see rejection of claim 13.
15. In regard to claim 15, see rejection of claim 13.
16. In regard to claim 16, see rejection of claim 13. Note column 3, lines 53-56, in which Jahn discloses a time in which that the second display "is provided merely with simple instructions 14". Since the first display, the flat panel display of Jahn, displays "detailed information" (see column 3, line 65), these simple instructions are understood to constitute different data.
17. In regard to claim 18, see rejection of claim 13.
18. In regard to claim 19, see rejection of claim 13.
19. In regard to claim 20, see rejections of claims 13 and 17.

Claim Rejections - 35 USC § 103

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

21. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jahn et al. 6,738,040 B2 in view of Bunte et al. 5,873,070.
22. In regard to claim 6, Jahn discloses an invention similar to that which is claimed in claim 6. See rejection of claim 13 for similarities. Also note the above 112, second paragraph, rejection of claim 6. Jahn does not disclose that the computer is a vehicle-mounted computer.

Bunte discloses a computer which is mounted in a vehicle. See figure 1 and column 3, lines 17-24, disclosing, "FIG. 1 is a perspective view of a local area network communication system of the present invention which includes a user worn data collection terminal of the type illustrated in FIG. 2 with a vehicle mounted host (user position and next task location device) operably connected through an RF link to a base station host computer for multiuser data collection and processing on a wide area network".

Further see column 7, lines 39-52, in which Bunte discloses using either a user-supported or vehicle-mounted computer, "A portable data terminal may...be either hand-held or mounted in a mobile vehicle such as a forklift. In the hand-held configuration, the terminal is preferably attachable to the operator's waist with a type of belt loop. A carrying case for the terminal may attach to the belt and thereby carry the data terminal. In the mobile vehicle configuration, the data terminal is utilized in conjunction with a communications adapter which allows the terminal to be removably mounted in the vehicle such that the operator may momentarily seize the terminal and roam in the vicinity of the vehicle for hand-held operation."

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Jahn by having the computer be a vehicle-mounted computer, as in the invention of Bunte. One would have been motivated to make such a change based on the teaching of Bunte that such an arrangement is an alternative to a user-supported computer and allows "multiuser data collection".

Response to Arguments

23. Applicant's arguments with respect to claim 2-7 and 13 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

24. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Newell et al. 6,466,232 B1 discloses an invention with at least two displays, one of which is body-supported and one of which is head-mounted.

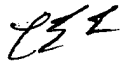
Daley, III 6,167,413 discloses a wearable computing unit with a visor mounted display.

Jenkins et al. discloses an invention similar to that which is claimed. See figure 4 for similarities.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laurel E LeFlore whose telephone number is (703) 305-8627. The examiner can normally be reached on Monday-Friday 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached on (703) 305-4938. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



LEL
9 February 2005



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